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12	IINITED STA	ATES DISTRICT COURT	
13	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
14		IN DISTRICT OF CALIFORNIA	
15	In re ATM Fee Antitrust Litigation) Master File No. C 04-2676 CRB	
16	•) CLASS ACTION	
17	This Document Relates To:	NOTICE OF MOTION AND MOTION IN SUPPORT OF CONCORD EFS, INC.'S AND	
18	All Actions	FIRST DATA CORPORATION'S MOTION FOR SUMMARY JUDGMENT ON	
19		PLAINTIFFS' PER SE CLAIM	
20		Hearing Date: October 5, 2007	
21		Time: 10:00 a.m. Courtroom: 8	
22		The Honorable Charles R. Breyer	
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	Case No. C 04-2676 CRB (JL)		
l l	Case IV	5. O 07-2070 CKD (3D)	

NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on October 5, 2007 at 10:00 a.m., or as soon thereafter as the matter may be heard in the Courtroom of the Honorable Charles R. Breyer of the above-referenced Court located at 450 Golden Gate Avenue, San Francisco, California, defendant Concord EFS, Inc. ("Concord") will, and hereby does, move for summary judgment pursuant to Rule 56(c) of the Federal Rules of Civil Procedure.

As grounds for its motion, Concord asserts that there are plausible procompetitive justifications for the setting of a system-wide interchange fee in the Star ATM network. Where such justifications exist, *per se* treatment of a practice is inappropriate as a matter of law. Accordingly, Concord seeks an order granting summary judgment and dismissing plaintiffs' *per se* claim.

Concord's motion for summary judgment is based on this Notice, the accompanying Memorandum of Points and Authorities, supporting declarations, all pleadings, records, and papers on file in this action, all matters of which judicial notice may or have been taken, and such further evidence and argument as may be presented to the Court at the hearing of this motion.

1	Dated: August 3, 2007	Respectfully submitted,
2		/s/ Peter E. Moll
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